

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:13-HC-2033

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	CERTIFICATION OF A
	)	SEXUALLY DANGEROUS PERSON
FRANKLYN R. NELSON,	)	AND PETITION
Register Number 03899-036,	)	
	)	
Respondent.	)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Based on the above, the United States hereby petitions the Court to commit the Respondent to the custody of the Attorney General, pursuant to 18 U.S.C. § 4248(d).

Respectfully submitted, this 1st day of February, 2013.

THOMAS G. WALKER  
United States Attorney

By: /s/ R. A. Renfer, Jr.  
R. A. RENFER, JR.

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N.C. Bar # 11201

CERTIFICATE OF SERVICE

This is to certify that I have this 1st day of February, 2013, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and placing the envelope in the U.S. mail for delivery to:

FRANKLYN R. NELSON  
Reg. No. 03899-036  
FCI Butner  
P.O. Box 1000  
Butner, NC 27509

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender  
150 Fayetteville Street Mall  
Suite 450  
Raleigh, North Carolina 27601

/s/ R. A. Renfer, Jr.  
R. A. RENFER, JR.  
Assistant U.S. Attorney  
Attorney for Petitioner  
U.S. Attorney's Office  
Chief, Civil Division  
310 New Bern Avenue  
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FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:13-HC-2033

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	ORDER
	)	
FRANKLYN R. NELSON,	)	
Register Number 03899-036,	)	
	)	
Respondent.	)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this Court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the appointment of a mental health examiner of the Respondent's choosing. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal, without need of further motion to seal, by either party. Further the Clerk is DIRECTED to permanently seal these reports in accordance with Local Civil Rule 79.2(b), E.D.N.C.

The Court hereby notifies the parties that in light of the provisions of the November 14, 2011, Standing Order, the parties will not be required to conduct an initial scheduling conference pursuant to Fed. R. Civ. P. 26(f).

This \_\_\_\_ day of \_\_\_\_\_, 2013.

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United States District Judge

**CERTIFICATION OF A SEXUALLY DANGEROUS PERSON**

(1) I, Trent H. Evans, am Acting Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248.

(2) Bureau records reflect the following: Inmate Franklyn R. Nelson, Register Number 03899-036, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 180-month term of imprisonment and a 60-month term of supervised release, following his conviction for Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e) (D. Me.) (Case No. 2:00-CR-06-P-C-01). His projected release date is February 4, 2013.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his prior convictions for: Unlawful Sexual Contact,


Burglary (ten counts), Theft (eight counts), Violation of Privacy (two counts), Assault, and Refusing to Submit to Arrest, in the York County Superior Court, Alfred, Maine (Docket No. CR-99-1489), for conduct that included touching the vagina of a seven-year-old victim while burglarizing her residence; Gross Sexual Misconduct (two counts) and Gross Sexual Assault (two counts), in the Penobscot County Superior Court, Bangor, Maine (Docket No. CR-90-616), for engaging in sexual contact with his daughter, including fondling and oral, vaginal, and anal sex, when she was between the ages of six and thirteen years old; and Assault, in the Bangor District Court, Bangor, Maine (Docket No. 89-3302), for entering a bedroom where his daughter and her ten-year-old female friend were sleeping and trying to pull off the underwear of his daughter's friend;

(b) A psychological review and assessment indicated Axis I diagnoses of Pedophilia, Sexually Attracted to Females, Nonexclusive Type, Voyeurism, and Adult Antisocial Behavior;

(c) A review and assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted. This result, in addition to his prior offense conduct, deviant sexual interests, lifestyle impulsivity, poor

problem solving, resistance to rules and supervision, and sexually re-offending while enrolled in sex offender treatment, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

  
Trent H. Evans  
Acting Chairperson  
Certification Review Panel  
Federal Bureau of Prisons

1-29-2013  
Date